

JAN 19 2007

ROBERT H. SHEMWELL, CLERK
BY DA DEPUTY

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF LOUISIANA

SHREVEPORT DIVISION

JAMES FREDERICK LINN

versus

CIVIL ACTION NO. 06-1851
JUDGE TOM STAGG

SEAN SCHNEAL, ET AL.

J U D G M E N T

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein,¹ and after an independent review of the record, including written objections filed by Plaintiff, and determining that the findings are correct under the applicable law;

IT IS ORDERED that Plaintiff's civil rights claims regarding his arrest, search, seizure and detention are **DISMISSED WITH PREJUDICE** as frivolous pursuant to 28 U.S.C. §1915(e) until such time as the Heck conditions are met and that Plaintiff's request for habeas relief is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state court remedies.

THUS DONE AND SIGNED, in chambers, in Shreveport, Louisiana this the 18th day of January, 2007.


JUDGE TOM STAGG

¹The court is aware that the plaintiff was convicted before filing the instant suit and finds that this information does not change the Magistrate Judge's analysis.